

Notice of Allowability

Application No.

10/628,907

Examiner

Steven J. Ganey

Applicant(s)

SCHAUPP, JOHN F.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed May 5, 2006.

2. ☒ The allowed claim(s) is/are 1,2,5-11,13-21 and 24-33.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☒ Other Drawing sheet.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In the claims:

Claim 1, line 8, the phrase "the first electrode" has been changed to --a first electrode--.

The above change was done to provide proper antecedent basis since this is the first time the "first electrode" is introduced into the claim.

3. The following changes to the drawings are required to be made by applicant: In Figure 4, the equipotential line 142 in the upper half does not extend further than the equipotential line 142 in the lower half. Per the specification, page 8, lines 10-14, it is disclosed that the equipotential lines 140 and 142(of the upper half) extend much farther from the charging electrode 55 both forwardly and rearwardly, than the equipotential lines 140 and 142 (of the lower half). It appears that the two lines may have been inadvertently inverted when drawn in the Figure. The drawing should be corrected to show the equipotential line 142 in the upper half extending further than the equipotential line 142 in the lower half. See attached drawing sheet showing correction. In order to avoid abandonment of the application, applicant must make these drawing changes.

4. The following is an examiner's statement of reasons for allowance of claims 1, 2, 5-11, 13-21 and 24-33: The prior art did not teach or suggest a method of dispensing or an apparatus

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for dispensing electrically charged particles of a coating material toward an object to be coated thereby as presently amended in claims 1 and 19 by the applicant, together in combination with the other claimed features of applicant's invention. In the examiner's opinion, it would not have been obvious to a person of ordinary skill in the art to modify the JP 10-057848 to provide a dispenser including a generally cup-shaped component having a perimetally extending lip, providing a diffuser component having a perimetally extending lip, and defining between the lips of the generally cup-shaped component and diffuser component a discharge region for dispensing the charged particles of coating material and providing on the diffuser component a first electrode since JP 10-057848 shows the first electrode 5 behind the atomizing head/dispenser in both embodiments. In regard to Chabert and Buhlmann references, applicant's arguments concerning the limitations coupling both the first electrode and second electrodes to the supply of electrical discharge and both the first and second electrodes being coupled to the terminal through which electrical charge is introduced are found to be convincing. Both Chabert and Buhlmann have their second electrodes connected to ground potentials, instead of the same supply of electrical charge, which when looking to the specification page 8, lines 10-14, actually teaches against what applicant considers to be his invention, having both the first and second electrodes connected to the same electrical charge supply.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is 571-272-4899. The examiner can normally be reached on 7:00-5:00; M, Tu, W and Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

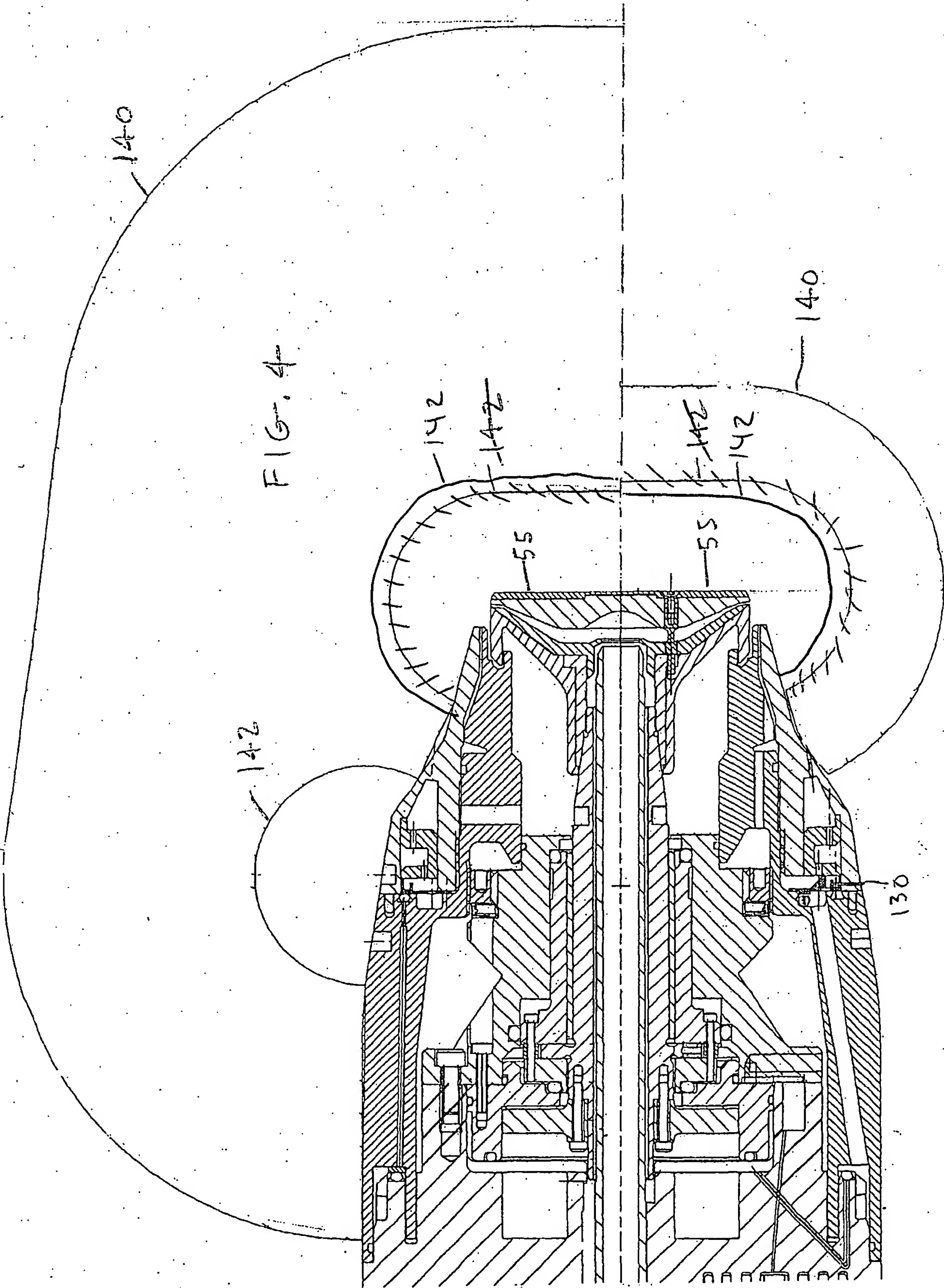
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven J. Ganey
Primary Examiner
Art Unit 3752

sjg
5/15/06



STEVEN J. GANEY
PRIMARY EXAMINER
5/15/06



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